

ORDINANCE NO 440

AN ORDINANCE ADOPTING BY REFERENCE "ZONING CODE OF THE CITY OF HAVEN, KANSAS" FOR THE PURPOSE OF REGULATING AND RESTRICTING THE LOCATION OF TRADES AND INDUSTRIES AND THE LOCATION OF BUILDINGS DESIGNED FOR SPECIFIC USES; REGULATING AND LIMITING THE HEIGHT AND BULK OF BUILDINGS; REGULATING AND LIMITING THE PERCENTAGE OF LOT OCCUPANCY; AND REGULATING AND DETERMINING THE AREA OF YARDS, COURTS AND OTHER OPEN SPACES, LIMITING AND RESTRICTING THE MAXIMUM NUMBER OF FAMILIES WHICH MAY BE HOUSED IN DWELLINGS AND INCORPORATING THE OFFICIAL ZONING DISTRICT MAP OF HAVEN, KANSAS; AND PRESCRIBING PENALTIES FOR VIOLATION THEREOF,

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF HAVEN, KANSAS:

Section 1. There is hereby incorporated by reference under the provisions of K.S.A. 12-3009 through 12-3012, including any amendments thereto and K.S.A. 12-3301 AND 12- 3302, for the purpose of regulating trades and industries; the location of buildings designed for a specific use within the City of Haven, Kansas, a certain published compilation of rules in pamphlet form prepared by B & G Engineering, Inc. of Hutchinson, Kansas, at the direction of and pursuant to the authority of the City of Haven, Kansas, entitled "Zoning Code of the City of Haven, Kansas," dated December 3, 1984. No less than three copies of said Code shall be marked or stamped "official copy" as incorporated by Ordinance No. 440, to which shall be attached a copy of this Ordinance and shall be filed with the City Clerk, to be open to inspection and available to the public at reasonable hours. The police department, police court judge and all administrative departments of the City charged with the cost of the City, shall be provided such number of official copies of said "Zoning Code of the City of Haven," and this Ordinance as may be deemed expedient. Violations of sections of the "Zoning Code of the City of Haven, Kansas" shall be cited as Section 1 of this Ordinance, and then the section or article number of said Zoning Code violated.

Section 2. Interpretation of Code. In interpreting and applying the provisions of this Code, they shall be held to be the minimum requirements for the promotion of the public safety, help, convenience, comfort, morals, prosperity and general welfare. It is not intended by this Code to interfere with or abrogate or annul any easements, covenants or other agreements between parties, except that if this Code imposes a greater restriction, this Code shall control.

Section 3. Amendments. The Governing Body of the City may from time to time on its own motion or on petition of any party, amend, supplement, change, modify or repeal by ordinance the boundaries of any zoning district or the regulations or restrictions herein established. Any proposed amendments, supplements, change, modification or repeal shall first be submitted to the City Planning Commission for its recommendation and report. Any such amendment, change, modification or repeal shall be done pursuant to K.S.A. 12- 707 through 12-715(d)

Section 4. Penalties. The owner or agent of a building or premises in or upon which a violation of any provision of this ordinance has been committed or shall exist, or the lessee or tenant of an entire building or entire premises in or upon which violation has been committed or shall exist, or the agent, architect, building contractor or any other person who commits, takes part or assists in any violation or who maintains any building or premises in or upon which such violation shall exist, shall be guilty of a misdemeanor and shall be punished by a fine not to exceed one hundred dollars. Each and every day that such violation continues may constitute a separate offense.

In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained, or any building, structure or land is used in violation of this ordinance, the appropriate authorities of the City of Haven, in addition to other remedies, may institute injunction, mandamus or other appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance or use, or to correct or abate such violation, or to prevent the occupancy of said building, structure or land.

Section 5. Validity. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Ordinance.

Section 6. Conflicting Ordinance Repealed. Any ordinance or parts of ordinances and amendments thereto, in conflict herewith are hereby repealed.

Section 7. Zoning District Map Incorporated. There is hereby incorporated into this Ordinance a certain map entitled "Zoning District Map" prepared by B&G Engineering, Inc., dated March 8, 1984, which is

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incorporated into this Ordinance by reference, such map shall be marked "official copy as incorporated by Ordinance No. 440," and filed in the office of the City Clerk, and shall be open to inspection and available to the public at all reasonable business hours.

Section 8. This Ordinance shall take effect and be in force from and after its publication twice in the official City newspaper, and that the reproduction of ten copies of the Zoning Code of the City of Haven, Kansas, with the adoptive Ordinance No. 440 attached, constitutes due passage of this Code as provided in K.S.A. 12-3009 through 12-3012 and 12-3301, and 12-3302.

PASSED BY THE GOVERNING BODY OF THE CITY OF HAVEN, KANSAS this 4th day of March, 1985.

/s/Dean Sailsbury, Mayor

ATTEST:

/s/Vera R. Hiatt, City Clerk